

## **REMARKS**

Claims 63-66, without prejudice, have been cancelled. Claims 45-46, 49-50, 52-53, 55, 57-59 and 67-70 have been amended. New claims 74-75 have been added. Accordingly, claims 45-60, and 67-75 are now pending.

### **Rejections under 35 USC §102(e)**

Claims 45-57, 59-60, 63, and 65-73 have been rejected under §102(e) in view of Moskowitz (USP 5629732).

Rejections of claim 63 and 65-66 have been rendered moot by their cancellations.

Claim 45 has amended to clearly require the “seek request” to include data indicative of the location sought and to be received during a current transmission of portions of the file. For at least the reasons set forth below, the “seek request” is not taught by Moskowitz.

A close reading of Moskowitz shows that it merely teaches of requesting VCR functions, such as forwarding, rewinding, pausing, and restarting after a pause ... In accordance with their plain meanings as understood by those of ordinary skill in the art,

Forwarding and Rewinding, while may be provided during play, merely means advancing and retreating, respectively, until the device is instructed to stop. In neither case, data indicative of a location sought is included with a Forwarding and Rewinding request. The device in receipt of the request is not cognizant of the *location being sought*. Its logic looks for a follow up “stop” instruction from a user, or an end of file condition, otherwise, it keeps on advancing or retreating.

Restarting on the other hand, according to Moskowitz, may include a re-start location, it is provided after play has been paused, and not during play.

In the case of the required Seek request. It is very different. Data indicative of a location sought is included with the request, and the request is received while provision of the file is still in progress. The device in receipt of the request is cognizant of the

*location being sought*. Its logic continuously determines whether the location sought has been reached.

Thus, the required “Seek” request is not taught by Moskowitz. It follows then, the required “determining” operation, based on such a “Seek” request, is not taught by Moskowitz.

Since Moskowitz fails to anticipate at least one limitation of claim 45, accordingly, claim 45 is patentable over Moskowitz.

Each of claims 52, 55, 67, and 69 includes in substance the same limitation. Therefore, for at least the same reasons, claims 52, 55, 67, and 69 are patentable over Moskowitz.

Claims 46-57, 59-60, 68, and 70-73 are dependent on claims 45, 52, 55, 67, and 69, incorporating their limitations, respectively. Accordingly, for at least the same reasons, claims, claims 46-57, 59-60, 68, and 70-73 are patentable over Moskowitz.

Additionally, claims 49-50, 53, 58-59 and 68 are further patentable over Moskowitz by virtue of the amendments requiring the clearing and/or refilling of buffer or message queue, are preformed in response to a Seek request, after “completion of sending of a current block of the file”, a requirement not taught by Moskowitz.

#### Rejections under 35 USC §103(a)

Rejection of claim 64 has been rendered moot by its cancellation.

Claims 58 and 62 depend on claim 55, incorporating its limitations. Accordingly, for at least the same reasons, claims 58 and 62 are patentable over Moskowitz.

#### New claims 74 and 75

Claim 74 includes in substance the same limitations discussed earlier for claim 45. Accordingly, for at least the same reasons, claim 74 is patentable over the cited references.

Claim 75 depends from claim 74 incorporating its limitations. Thus, for at least the same reasons, claim 75 is patentable over the cited references.


Conclusion

In view of the foregoing, claims 45-60, 62 and 67-75 are in condition of allowance. Early issuance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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